

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 31, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, March 10 and 17, 2010 Worksessions.

Action: Approved, (SBB/CJS, 5-0).

2. **A-6300, Petition of Hossein Vatandoost** (one-story addition/carport). Letter to the Board from the petitioner's physician.

Action: (1) Re-opened the record to include the letter from Dr. Horan; (2) granted the variance request, (WSB/CJS, 5-0).

3. **CBA-864-B, Petition of Potomac Swim and Recreation Association** (community swimming pool) Opinion and Order from the Circuit Court Also included is a letter from Michele Rosenfeld, Esquire, regarding the Order from the Court.

Action: (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) granted the modification; (3) adopted the Petitioner's proposed conditions of approval 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13; (4) denied proposed condition 7 re: hours of operation, (DKP/CJS, 4-1(SBB).

4. **CBA-966, Petition of Lester A. Stagge** (major home occupation) Letter to the Board from Dr. Myra Tate, DMA, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (SBB/WSB, 5-0).

5. **S-289-B, Petition of Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from Maxine Beasley, President 2010 and Susan Valenstein, President 2009, requesting reconsideration.

Action: (1) Granted reconsideration; (2) approved revised process for amendment of landscape plans to permit substitution of species, subject to M-NCPPC review and concurrence, submitted to BOA with the Club's annual report and without administrative modification, (DKP/SBB, 5-0).

6. **S-414, Petition of Potomac Village School** (private educational institution) Memorandum Board from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (DKP/WSB, 5-0).

7. **S-636, Petition of Resheda Wallace** (retail sales and personal services establishment in multi-family housing) Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (DKP/WSB, 5-0).

8. **S-1160, Petition of Charles and Bertha Fowler** (accessory apartment). Memorandum from Cece Kinna, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (DKP/SBB, 5-0).

9. **S-1575, Petition of Dan Robinson, Sally Rieger and Gerry Seedyke** (accessory apartment). Inspection report to the Board from Robert Goff, Inspector, DHCA.

Action: Re-opened the record to include the inspection report from Mr. Goff, (DKP/SBB, 5-0).

10. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification.

Action: Item deferred for a site plan from the petitioner with the locations of new and old barns, consensus.

11. **S-2074, Petition of Abdullah and Nadire Demirtas** (accessory apartment). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WSB/CJS, 5-0).

12. **S-2094, Petition of Alfredhouse Eldercare, Inc.** (group home). Letter to the Board from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire, requesting an administrative modification.

Action: (1) Granted the administrative modification; (2) delete phrase 'excluding staff' in Condition No. 2 of the Board's Opinion dated 11/10/94; (3) granted a condition that limits staff to 4 persons per shift, (DKP/WSB, 5-0).

13. **S-2541, Petition of Thomas V. and Ruan D. Robertson** (accessory apartment). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WSB/DKP, 5-0).

14. **S-2668, Petition of Taiwan Culture Center** (service organization). Letter to the Board from Tai Huang, President, submitting the Minutes of the 11/17/09 Community Liaison Council Meeting.

Action: Re-opened the record to include Mr. Huang's letter with attachments, (SBB/CJS, 5-0).

15. **S-2721, Petition of Adventist Healthcare, Incorporated by Geoffrey A. Morgan** (hospital). Letter to the Board from Robert Brewer, Esquire, and Patrick O'Neil, Esquire, requesting an extension of time and an administrative modification.

Action: (1) Granted the administrative modification; (2) granted the extension of time; (3) amended Condition No. 9 of the Board's Opinion dated 10/27/08 to permit site plan changes approved by M-NCPPC not to require an administrative modification but can be a submission into the record, (DKP/CJS, 5-0).

PENDING ITEMS:

16. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
17. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
18. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].

PENDING ITEMS (continued):

19. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details]. Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].
20. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
21. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification. [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement. [W/S 4/2/08].
22. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].

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